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**ATTN.** Nghi V. Tran

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**FROM** Volel Emile, Esq.

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**SUBJECT** Notice of Appeal (10/006,059)

**Number of Pages** 4

**Date** 8/29/2005

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## MESSAGE

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1. one copy of a Fax Transmittal Form; and
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Appl. No. 10/006,059  
 Notice of Appeal 08/29/2005  
 Reply to Office Action of 06/07/2005

AUG 29 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Banerjee et al.	:
Serial No: 10/006,059	: Before the Examiner: Nghi V. Tran
Filed: 12/06/2001	: Group Art Unit: 2151
Title: APPARATUS AND METHOD OF USING XML DOCUMENTS TO PERFORM NETWORK PROTOCOL SIMULATION	: Confirmation No.: 8983
	:
	:

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Applicants hereby appeal to the Board of Appeals from the Decision of the Primary Examiner of June 7, 2005 finally rejecting Claims 1 - 20.

The item(s) marked below are appropriate:

1. \_\_\_\_\_ A petition and fee for extension of term for reply to the final rejection is attached.
2.  Appeal fee  
 other than a small entity. Fee: \$500.00
3.  Payment  
 Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

Respectfully submitted,

By:

Votel Emile  
 Attorney for Applicants  
 Registration No. 39,969  
 (512) 306-7969

AUS920010871US1

Page 1 of 1

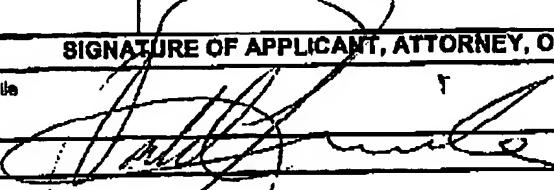
AUG 29 2005

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0851-0031  
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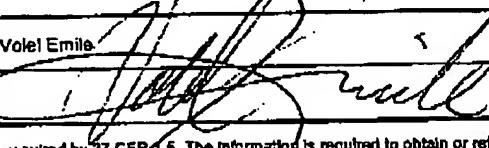
<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/005,059
	Filing Date	12/05/2001
	First Named Inventor	Dwip N. Banerjee
	Art Unit	2151
	Examiner Name	Nghi V. Tran
Total Number of Pages In This Submission	AUS020010871US1	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
Notice of Appeal.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Volet Emile
Signature	
Date	08/29/2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Volet Emile
Signature	
Date	08/29/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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